LeMond Cycling, Inc. v. Trek Bicycle Corporation Doc. 118

**UNITED STATES DISTRICT COURT**
**DISTRICT OF MINNESOTA**

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| LeMond Cycling, Inc.,<br><br>Plaintiff,<br><br>v.<br><br>Trek Bicycle Corporation,<br><br>Defendant/Third-Party Plaintiff,<br><br>v.<br><br>Greg LeMond,<br><br>Third-Party Defendant. | Civil No. 08-1010 (RHK-JSM)<br><br>Judge Richard H. Kyle<br>Magistrate Judge Janie S. Mayeron |

**DECLARATION OF JENNIFER M. ROBBINS IN SUPPORT OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

I, Jennifer M. Robbins, hereby declare as follows:

1. I am one of the attorneys representing Plaintiff LeMond Cycling, Inc. and Third-Party Defendant Greg LeMond in this case. I make this declaration in support of Plaintiff's Motion for Summary Judgment.

2. Attached to this Declaration as Exhibit 1 is a true and correct copy of the Sublicense Agreement between Trek Bicycle Corporation and LeMond Cycling, Inc. dated June 29, 1995.

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3. Attached to this Declaration as Exhibit 2 is a true and correct copy of the Accessories Sublicense Agreement between LeMond Cycling, Inc. and Trek Bicycle Corporation.

4. Attached to this Declaration as Exhibit 3 is a true and correct copy of TREK000650-52, a fax from John Burke to Greg LeMond dated February 20, 1995.

5. Attached to this Declaration as Exhibit 4 is a true and correct copy of TREK011830-33, a fax from John Burke to Richard A. Burke dated March 3, 1995.

6. Attached to this Declaration as Exhibit 5 is a true and correct copy of the relevant pages of the deposition of Warren Gibson.

7. Attached to this Declaration as Exhibit 6 is a true and correct copy of the relevant pages of the deposition of Greg LeMond.

8. Attached to this Declaration as Exhibit 7 is a true and correct copy of the relevant pages of the deposition of John Burke.

9. Attached to this Declaration as Exhibit 8 is a true and correct copy of the First Amendment between LeMond Cycling, Inc. and Trek Bicycle Corporation dated August 10, 1999.

10. Attached to this Declaration as Exhibit 9 is a true and correct copy of Trek’s Rule 26(a)(2) Expert Witness Disclosures.

11. Attached to this Declaration as Exhibit 10 is a true and correct copy of the relevant pages of the deposition of Sidney D. Bluming.

12. Attached to this Declaration as Exhibit 11 is a true and correct copy of TREK001025, an email from Bob Burns to Sidney D. Bluming dated October 5, 2007.

13. Attached to this Declaration as Exhibit 12 is a true and correct copy of the relevant pages of the deposition of Elisabeth Huber.

14. Attached to this Declaration as Exhibit 13 is a true and correct copy of Deposition Exhibit 58, bates labeled TREK011986 – 012168.

15. Attached to this Declaration as Exhibit 14 is a true and correct copy of the following articles: Edward Wyatt, *Doping Accusations Again Dominate Cycling*, THE NEW YORK TIMES, NYTIMES.COM, July 21, 2007; Sal Ruibal, *From spotlight to suspicion: Landis' drug test a blow to cycling*, USA TODAY, July 30, 2006; William Fotheringham, *Armstrong faces legal marathon*, GUARDIAN, GUARDIAN.CO.UK, July 26, 2005; Samuel Abt, *Cycling; Police Talk to Coach of Festina in Drug Case*, THE NEW YORK TIMES, NYTIMES.COM, July 16, 1998.

16. Attached to this Declaration as Exhibit 15 is a true and correct copy of TREK005179-80, an open letter from Andy Hampsten dated July 24, 2004.

17. Attached to this Declaration as Exhibit 16 is a true and correct copy of Trek's April 8, 2008 PowerPoint presentation.

18. Attached to this Declaration as Exhibit 17 is a true and correct copy of the html version of the following article: Arthur Brice, *Drug scandal is best thing to happen to cycling*, THE ATLANTA JOURNAL-CONSTITUTION, Aug. 29, 1998, at E14.

19. Attached to this Declaration as Exhibit 18 is a true and correct copy of the following article: Erica Bulman, *Former cyclist Greg LeMond decries recent doping scandals*, ASSOCIATED PRESS WORLDSTREAM, January 14, 1999.

20. Attached to this Declaration as Exhibit 19 is a true and correct copy of a compilation of consumer comments about Greg LeMond, labeled LCI 03294-308.

21. Attached to this Declaration as Exhibit 20 is a true and correct copy of TREK000113, TREK000104, TREK000100, TREK000111, TREK000092, TREK000057-60.

22. Attached to this Declaration as Exhibit 21 is a true and correct copy of the following: *Newspaper Insists: Armstrong is a liar, France's L'Equipe stands by drug accusations even after ex-cyclist cleared*, NBC SPORTS, nbcsports.msnbc.com, June 1, 2008; *Cyclist Lance Armstrong's comeback attempt won't silence the doubts,* THE CANADIAN PRESS, Sept. 10, 2008, *Doping clouds still hang over Armstrong, says Pound,* THE GUARDIAN, Guardian.co.uk, Sept. 24, 2008.

23. Attached to this Declaration as Exhibit 22 is a true and correct copy of the following: Austin Murphy, *Shadow of Doubt*, Sports Illustrated, SIVault, August 6, 2001, Josh Elliott, *Greg Lemond, Sportsman Of The Year*, Sports Illustrated, SIVault, December 20, 1999, *News for March 9, 2001*, cyclingnews.com, TREK011879-TREK011882; Bryan Malessa, *Once Was King: An interview with Greg LeMond*.

24. Attached to this Declaration as Exhibit 23 is a true and correct copy of the following article: Martin Dugard, *Doubting Floyd*, ORANGE COAST MAGAZINE, March 2008.

25. Attached to this Declaration as Exhibit 24 is a true and correct copy of the following article: David Walsh, *Paradise Lost on tour*, THE SUNDAY TIMES, July 29, 2001.

26. Attached to this Declaration as Exhibit 25 is a true and correct copy of TREK013933-34, Sal Ruibal, *LeMond back-pedals on Armstrong quotes*, USA TODAY, August 15, 2001.

27. Attached to this Declaration as Exhibit 26 is a true and correct copy of the following article John Leicester, *Armstrong feeling even more heat*, CHICAGO SUN-TIMES, July 16, 2004.

28. Attached to this Declaration as Exhibit 27 is a true and correct copy of the following article: *LeMond questions Armstrong's associations*, ESPN.COM, July 16, 2004.

29. Attached to this Declaration as Exhibit 28 is a true and correct copy of TREK010148-51, Deposition Exhibit 152.

30. Attached to this Declaration as Exhibit 29 is a true and correct copy of Deposition Exhibits 153, 154, 155, and 156, labeled TREK010375-76, TREK010381-82, TREK010383-85, and TREK010348-53, respectively.

31. Attached to this Declaration as Exhibit 30 is a true and correct copy of Deposition Exhibit 151, labeled TREK010143-47.

32. Attached to this Declaration as Exhibit 31 is a true and correct copy of Trek's August 10, 2004 Notice of Breach.

33. Attached to this Declaration as Exhibit 32 is a true and correct copy of Trek's January 13, 2005 withdrawal of its Notice of Breach.

34. Attached to this Declaration as Exhibit 33 is a true and correct copy of the relevant pages of the deposition of Ira Langer.

35. Attached to this Declaration as Exhibit 34 is a true and correct copy of emails from Sidney Bluming of August, 2006, at LCI 12343-46.

36. Attached to this Declaration as Exhibit 35 is a true and correct copy of the relevant pages of the deposition of Aaron Mock.

37. Attached to this Declaration as Exhibit 36 is a true and correct copy of a letter from Denise S. Rahne to Robert Burns dated March 20, 2008.

38. Attached to this Declaration as Exhibit 37 is a true and correct copy of Trek's April 8, 2008 Complaint filed in the United States District Court for the Western District of Wisconsin.

39. Attached to this Declaration as Exhibit 38 is a true and correct copy of Trek's Privilege Log for Public Strategies Materials.

40. Attached to this Declaration as Exhibit 39 is a true and correct copy of Trek's April 7, 2008 Media Advisory.

41. Attached to this Declaration as Exhibit 40 is a true and correct copy of Trek's April 8, 2008 Media Release.

42. Attached to this Declaration as Exhibit 41 is a true and correct copy of the relevant pages of the deposition of Andrew Morris.

43. Attached to this Declaration as Exhibit 42 is a true and correct copy of TREK011789-802, notes from November 2004 Town Hall meetings.

44. Attached to this Declaration as Exhibit 43 is a true and correct copy of an email from Francis Higgins dated April 18, 2008.

45. Attached to this Declaration as Exhibit 44 is a true and correct copy of Trek's Responses to Plaintiff's Second Set of Interrogatories and Requests for Production of Documents.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 10th day of July, 2009.

*/s/ Jennifer M. Robbins*
Jennifer M. Robbins